

## **R307-221**

### **2. Title: Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills.**

### **3. Type of notice: Amend**

### **4. Purpose of the rule or reason for the change:**

The purpose of the change is to remove the specific version date for the Code of Federal Regulations (CFR) found in R307-221. The rule will now default to R307-101-3 that establishes the version of the CFR that is incorporated throughout R307. In a separate rulemaking, the version of the CFR referenced in R307-101-3 is being updated to the July 1, 2007 version. This amendment is part of an overall revision to rules that will streamline the process of updating the incorporation by reference of the Code of Federal Regulations throughout R307 (see separate filings on R307-101, R307-115, R307-170, R307-215, R307-222, R307-223, R307-224, R307-310, R307-401, R307-410, R307-417, R307-801, R307-840 in this issue). If requested, a public hearing will be held Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City. If no request for a public hearing is received by 12/14/2007, the hearing will be cancelled. After 12/14/2007, you may go to <http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/Pubrule.htm> or call 801-536-4136 to determine if the public hearing has been cancelled. A request for a public hearing may be submitted by electronic mail to [mcaryl@utah.gov](mailto:mcaryl@utah.gov) or by calling 801-536-4136.

### **6. Summary of the rule change:**

This amendment removes the specific version date for the CFR. The rule will now default to R307-101-3 that establishes the version of the CFR that is incorporated throughout R307. In a separate rulemaking, the version of the CFR referenced in R307-101-3 is being updated to the July 1, 2007 version. The following changes to 40 Code of Federal Regulation (CFR) Part 60.751, 40 CFR 60.752 through 60.759, including Appendix A, and 40 CFR Part 60.18 will be included as the result of the change in R307-101-3. JUNE 16, 1998 (63 FR 32751): In this revision to the CFR, EPA made several changes throughout 40 CFR Part 60 to clarify the requirements of the designated facility plan for Municipal Solid Waste Landfills and did not change the overall approach of the program. The only substantive change was the addition of the methane generation rate constant (k) for geographical areas with low precipitation found in Section 60.754(a)(1); however, we had already included this in our plan. The following is a detailed summary of these changes: 1. DEFINITIONS. A definition of "modification" is being added. The definition of "design capacity" is being amended to clarify that the design capacity is determined by the most recent permit issued by the state, local, or tribal agency responsible for regulating the landfill plus any in-place waste not accounted for in that permit. The phrase "construction or operating permit" has also been deleted and substituted with the word "permit." The definition of "closed landfill" and wording in section 60.752(b) are being revised to delete references to section 258.60. This reference is not appropriate for all landfills because some landfills closed prior to the October 1993 effective date of part 258 and are not subject to part 258. Section 60.752(b)(2)(v)(A) is being revised for clarification to refer to the definition of "closed landfill" in section 60.751 instead of the requirements of section 258.60. The definition of "interior well" is being revised to clarify that an interior well is located inside the perimeter of the landfilled waste. The definition of "radii of influence" is being added parenthetically in section 60.759(a)(3)(ii) for clarification. This definition makes it clear that the radii of influence is the distance from the well center to a point in the landfill where the pressure gradient applied by the blower or compressor approaches zero. 2. DESIGNATION OF AFFECTED FACILITY.

Section 60.750(a) of subpart WWW is being revised to clarify which landfills are subject to the NSPS. The words “or began accepting waste” have been deleted. A definition for “modification” is being added to subpart WWW, and “reconstruction” is described in section 60.15 of the NSPS General Provisions. Section 60.750(b) of subpart WWW is being revised to clarify that authority for test methods are retained by the Administrator and shall not be transferred to the state. The wording “or” in several places in section 60.752 has been changed to “and” to clarify that if a landfill design capacity is less than either 2.5 million Mg or 2.5 million  $m^3$ , the landfill is exempt from all provisions except the design capacity report; whereas if the capacity is equal to or greater than 2.5 million Mg and 2.5 million  $m^3$ , the additional requirements of the rule apply. 3.

COMPLIANCE DATES. The compliance time in section 60.752(b)(2)(ii) is being revised to make it clear that landfills have 30 months to install a collection and control system once the landfill becomes affected (i.e., the annual report shows NMOC emissions equal to or greater than 50 Mg/yr). Section 60.755(b) is being revised to clarify that an affected landfill must install each well no later than 60 days after the date on which the initial solid waste has been in place (1) for five years or more if the area is active or (2) two years or more if the area is closed or at final grade. The only change is to specify “no later than 60 days after” instead of “within 60 days.”

4. CLARIFICATION OF TITLE V PERMITTING REQUIREMENTS. The paragraphs on part 70 permitting requirements are being revised to refer to both parts 70 and 71. Sentences have been added to section 60.752 and section 60.32c(c) to clarify the date the landfill becomes subject to title V. The permit provisions originally included as sentences within paragraphs (a) and (b) of section 60.752 have been moved to separate paragraphs (c) and (d) so that the detailed permit provisions are in one location. The wording has also been revised to clarify that landfills smaller than 2.5 million Mg or 2.5 million  $m^3$  do not require a part 70 or part 71 operating permit unless they are subject to part 70 or part 71 for some other reason. Section 60.752(d) (formerly the last sentence in section 60.752(b)) is being revised. The phrase “if the landfill is not otherwise subject to the requirements of either part 70 or 71” has been added.

Subpart Cc is being amended by adding paragraphs (c) and (d) to section 60.32c. These paragraphs, which cover when existing MSW landfills require part 70 or 71 operating permits, were excluded from the promulgated emission guidelines through an oversight. Part 70 permit provisions were included in the NSPS, but the Emission Guidelines inadvertently did not reference this section of the NSPS.

5. EQUATIONS. Section 60.754(a)(1) is being revised to clarify that both the equation in section 60.754(a)(1)(i) and the equation in section 60.754(a)(1)(ii) may be used when the actual year-to-year solid waste acceptance rate is known for only part of the life of the landfill. This is the technically correct way to calculate emissions and was the intent of the rule. Section 60.754(a)(1) is being amended by the addition of the methane generation rate constant (k) for geographical areas with low precipitation. A k value of 0.02 per year is provided for the tier 1 calculation for landfills located in geographical areas with a thirty year annual average precipitation of less than 25 inches, as measured at the nearest representative official meteorologic site. Sections 60.754(a)(1)(i) and (ii) are also being revised to clarify that only documentation of the nature and amount of nondegradable waste needs to be maintained when subtracting the mass of nondegradable waste from the total mass of waste when calculating the NMOC emission rate. The previous language specified that the documentation provisions of section 60.758(d)(2) were to be followed; however, these provisions are related to segregated areas within the landfill excluded from collection pursuant to section 60.759(a)(3)(i) or (ii) because asbestos or other nondegradable wastes were disposed of in those areas or because the area is nonproductive. For the purposes of estimating emissions, only documentation of the nature and amount of nondegradable waste needs to be maintained to justify the subtraction of the mass of nondegradable waste.

6. TEST METHODS AND PROCEDURES. Section 60.754(a)(4)(ii) is revised to clarify that the site-specific methane generation rate constant is calculated only once and that this value is to be used in all subsequent annual NMOC emission

rate calculations. Section 60.752(b)(2)(iii)(B) is being revised to clarify that the initial performance test required under section 60.8 must be completed no later than 180 days after the initial startup of the approved control system. The promulgated regulation already required under section 60.757(f) that the initial performance test report must be submitted within 180 days of start-up of the collection system. This is being reiterated in section 60.752(b)(2)(iii)(B) for clarification. Section 60.759(a)(3)(ii), which required the use of the values of k and CNMOC determined by field testing, if performed to determine the NMOC emission rate or radii of influence, is being revised to also refer to alternative means for determining k or CNMOC allowed by section 60.754(a)(5). The reference to using Lo values from testing is deleted because it was incorrect.

7. PREVENTION OF SIGNIFICANT DETERIORATION. Section 60.754(c) is being revised to clarify that the intent of this provision was to establish the method by which prevention of significant deterioration determinations should be made, not to require a PSD determination.

8. MONITORING. Section 60.756(a) is being revised to clarify that a temperature measuring device does not need to be permanently installed at each wellhead. Section 60.756(b)(2) is also being revised to clarify that the device for monitoring gas flow need only record the flow or bypass, not necessarily measure the rate at which gas is flowing to the control device.

9. COMPLIANCE PROVISIONS. Section 60.755(a)(3) is being revised to allow an alternative timeline to be proposed for correcting an exceedance in collection header pressure at each well. Consistent with section 60.755(c)(4)(v), a sentence is being added to sections 60.755(a)(3) and 60.755(a)(5) to allow an alternate timeline to be proposed to the Administrator for correcting an exceedance. This revision makes the sections consistent. Section 60.755(c)(1) is being revised slightly to indicate that surface monitoring of methane shall be performed along the entire perimeter of the collection area and along a pattern that traverses the landfill at 30-meter intervals. This change makes the wording consistent with other sections of the rule (e.g., section 60.753(d)).

10. RECORDKEEPING AND REPORTING. Sections 60.757(a)(1) and (b)(1)(i) are being revised to clarify that subject landfills that commenced construction, modification, or reconstruction after May 30, 1991 (date of proposal) but before the date of promulgation had until June 10, 1996 (90 days from the promulgation date) to submit an initial design capacity report and an initial NMOC emission rate report to the Administrator. Also paragraphs (a)(1)(i) and (ii) in the promulgated rule were somewhat repetitive and contradictory. Paragraph (a)(1)(iii) reflected an unrealistic scenario in that this date would always occur later than the date in paragraphs (a)(1)(i) and (ii). For this reason, the previous paragraph (a)(1)(iii) was unnecessary and confusing. Therefore, that paragraph has been deleted, and paragraphs (a)(1)(i) and (ii) have been revised to state that the report is due on June 10, 1996 or within 90 days after the date of commencement of construction, modification, or reconstruction, depending on when the construction, modification, or reconstruction commenced. The wording of section 60.757(a)(2)(ii) is being revised to require calculation of design capacity submitted as part of the design capacity report to include “relevant parameters” rather than the specific list of parameters in the promulgated rule. Some of the previously listed parameters (e.g., compaction practices) would not apply to landfills that calculate design capacity on a volumetric rather than mass basis. Other parameters that were not listed will be needed to perform the calculation in some cases. The wording of section 60.757(a)(3), which requires amended design capacity reports, is being revised for clarity and consistency with the definitions of modification and design capacity discussed under I.A. It also clarifies that a report is required only if capacity increases above 2.5 million Mg and 2.5 million m<sup>3</sup>. Several paragraphs in section 60.758 are being revised to clarify that the recordkeeping requirements in paragraphs (b), (c), (d), and (e) do not apply if an alternative to the operational standards, test methods, procedures, compliance measures, monitoring, or reporting provisions has been submitted with the design plan and approved by the Administrator.

11. CROSS-REFERENCING AND TYPOGRAPHICAL ERRORS. Errors in cross-referencing one section to another within subpart WWW are being corrected. Typographical errors are also being

corrected. 12. **CORRECTIONS TO PROMULGATION PREAMBLE.** Tables 3 and 5 in the promulgation preamble contained typographical errors. The units for the small size cutoff (column 1) are stated to be in millions of megagrams (millions Mg); however, the values presented are actually in megagrams. APRIL 10, 2000 (65 FR 18908). EPA corrected several typographical and formatting errors throughout Part 60. 754 through 759. OCTOBER 17, 2000 (65 FR 61778). A revision was made to Section 6.6 of Method 21 of Part 60 to clarify the VOC monitoring instrument specifications. The requirement for the instrument to be intrinsically safe for Classes 1 and 2, Division 1 conditions has been amended to require it to be intrinsically safe for Class 1 and/or Class 2, Division 1 conditions, as appropriate. The performance test provisions of § 60.754(d) for determining control device efficiency when combusting landfill gas were amended to allow the use of Method 25 as an alternative to Methods 18 and 25C. The tester has the option of using either Method 18, 25, or 25C in this case. These amendments were not published in the proposed rule. SEPTEMBER 21, 2006 (71 FR 55127). Municipal Solid Waste Landfills (Subpart WWW) In § 60.752(b)(2)(iii)(A) of the municipal solid waste landfill NSPS, open flares are required to comply with the general flare provisions of § 60.18. This amendment makes Method 3C the required test method for methane and removes the requirement to measure hydrogen by ASTM D1946.

**7. Aggregate anticipated cost or savings to:**

- a. State budget:** Because these revisions do not create new requirements, no change in costs is expected for the state budget
- b. Local government:** Because these revisions do not create new requirements, no change in costs is expected for local governments.
- c. Small Businesses and Other persons:** SMALL BUSINESS: Because these revisions do not create new requirements, no change in costs is expected for small businesses. OTHER PERSONS: Because these revisions do not create new requirements, no change in costs is expected for other persons.

**8. Compliance costs for affected persons:**

This amendment does not change current requirements; therefore, no change in costs is expected.

**9. Comments by the Dept head on the fiscal impact the rule may have on businesses:**

This amendment does not create new requirements. Therefore, no additional costs are expected. (Richard W. Sprott, Executive Director, Department of Environmental Quality)

**10. Authorizing statute: 19-2-104**

**11. Materials incorporated by reference?** 40 CFR Part 60.751, 40 CFR 60.752 through 60.759, including Appendix A, and 40 CFR Part 60.18

**12. Public comment and hearing info:** Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City.

**13. May become effective on:** February 7, 2008

**14. Keywords:** air pollution, municipal landfills